

THURSDAY, APRIL 20, 1995

THIRTY-SIXTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by the Reverend Sky Lowe-McCracken, First United Methodist Church, Martin, Tennessee.

Representative Herron led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Rigsby; business reasons.

SPONSORS ADDED

Under Rule No. 43, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 52: Rep(s). Purcell, Hargrove, Naifeh and DeBerry L as prime sponsor(s).

House Joint Resolution No. 129: Rep(s). Givens, Ramsey, Rinks, Westmoreland, Williams (Union), Walley and Curtiss as prime sponsor(s).

House Bill No. 165: Rep(s). Haley as prime sponsor(s).

House Bill No. 490: Rep(s). Purcell as prime sponsor(s).
House Bill No. 727: Rep(s). Givens as prime sponsor(s).
House Bill No. 832: Rep(s). Haley as prime sponsor(s).
House Bill No. 922: Rep(s). Venable and Kisber as prime sponsor(s).
House Bill No. 968: Rep(s). Herron as prime sponsor(s).
House Bill No. 1025: Rep(s). Williams (Union) as prime sponsor(s).
House Bill No. 1053: Rep(s). Haley as prime sponsor(s).
House Bill No. 1063: Rep(s). Davidson as prime sponsor(s).
House Bill No. 1075: Rep(s). Pinion, Cole (Dyer), Kent, Cole (Carter), Ridgeway, Fitzhugh, White, Eckles, Peach and Ford as prime sponsor(s).
House Bill No. 1406: Rep(s). Jones U (Shelby) as prime sponsor(s).

MESSAGE FROM THE SENATE
April 20, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 164, 165, 166, 167, 168 and 169; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 164 -- Memorials, Interns -- David Wayne Buck. by *Rochelle.

Senate Joint Resolution No. 165 -- Memorials, Sports -- Lebanon High School cheerleaders. by *Rochelle.

Senate Joint Resolution No. 166 -- Memorials, Sports -- 1994-1995 Lebanon High School boys' basketball team. by *Rochelle.

Senate Joint Resolution No. 167 -- Memorials, Academic Achievement -- Rodney Owen Topp, Jr. Trousdale County High School 1995 valedictorian. by *Rochelle.

Senate Joint Resolution No. 168 -- Memorials, Academic Achievement -- Edd Scott Haynes, Trousdale County High School Salutatorian. by *Rochelle.

Senate Joint Resolution No. 169 -- Memorials, Sports -- Horace Maynard High School boys' basketball team. by *Wallace.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to Rule No. 17, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Resolution No. 52 -- General Assembly, Confirmation of Appointment -- Herman Reviere, Registry of Election Finance for additional term. by *Fitzhugh, *Ridgeway, *Rinks, *Purcell, *Hargrove, *Naifeh, *DeBerry L.

State and Local Government Committee

***House Joint Resolution No. 247** -- Highway Signs -- "Paul B. Huff Memorial Parkway," Extension of S.R. 374. by *Head.

Transportation Committee

***House Joint Resolution No. 248** -- General Assembly, Studies -- Establishes special joint committee to study titling and registration of motor vehicles. by *Odom, *Purcell.

Transportation Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 24, 1995:

House Resolution No. 62 -- Memorials, Personal Occasion -- Jim and Lottie Kirkpatrick, 50th anniversary. by *Haley.

House Resolution No. 63 -- Memorials, Personal Achievement -- Benjamin Boston, Eagle Scout. by *Byrd.

House Resolution No. 64 -- Memorials, Interns -- James Workman. by *Jackson, *Hargrove, *Herron, *McMillan, *Buck, *Stamps, *Newton, *Bird, *Westmoreland, *Boyer, *Peach, *Purcell, *Chumney, *Ritchie.

House Joint Resolution No. 249 -- Memorials, Interns -- Stephanie Smith. by *Armstrong, *Ritchie, *Turner (Shelby), *Tindell, *Dunn, *Boyer, *Williams (Union), *Patton, *McDaniel, *Bittle, *Burchett.

House Joint Resolution No. 250 -- Memorials, Recognition and Thanks -- Welcomes 1995 National Black Expo to Nashville. by *Jones U (Shelby).

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 24, 1995:

Senate Joint Resolution No. 164 -- Memorials, Interns -- David Wayne Buck. by *Rochelle.

Senate Joint Resolution No. 165 -- Memorials, Sports -- Lebanon High School cheerleaders. by *Rochelle.

Senate Joint Resolution No. 166 -- Memorials, Sports -- 1994-1995 Lebanon High School boys' basketball team. by *Rochelle.

Senate Joint Resolution No. 167 -- Memorials, Academic Achievement -- Rodney Owen Topp, Jr. Trousdale County High School 1995 valedictorian. by *Rochelle.

Senate Joint Resolution No. 168 -- Memorials, Academic Achievement -- Edd Scott Haynes, Trousdale County High School Salutatorian. by *Rochelle.

Senate Joint Resolution No. 169 -- Memorials, Sports -- Horace Maynard High School boys' basketball team. by *Wallace.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1887 -- Montgomery County -- Subject to local approval, establishes third division of general sessions and juvenile courts. Amends Chapter 232 of the Private Acts of 1953, as amended. by *Head.

House Bill No. 1889 -- Bolivar -- Subject to local approval, amends city charter. Amends Chapter 142 of the Private Acts of 1953, as amended. by *Walley.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill:

***Senate Bill No. 240** -- Courts, Juvenile -- Authorizes juvenile court to join child's parent or guardian as respondent to juvenile court action and issue summons requiring parent or guardian to appear. Amends TCA Title 37. by *Dixon.

***Senate Bill No. 794** -- Attorneys at Law -- Redefines "legal practice" to include solicitation; permits victims of unauthorized legal practice to sue for actual damages or treble legal fees paid and attorneys fees. Amends TCA Title 23, Chapter 3. by *Haynes.

***Senate Bill No. 1135** -- Evidence -- Makes internal environmental audit reports prepared by owner privileged and immune from discovery. by *Rochelle, *Haun, *Gilbert, *McNally, *Rice, *Wallace, *Miller J.

***Senate Bill No. 1499** -- Courts, General Sessions -- Establishes person to serve and methods and procedures by which process is to be served in general sessions courts. Amends TCA Title 16. by *Haynes.

***Senate Bill No. 1623** -- Private Protective Services -- Exempts full time law enforcement officer from training requirements to get registration upon submission of police officer standards and training commission certification. Amends TCA Title 62, Chapter 35. by *Kyle.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1883 -- Gallatin -- Local Bill Held on House Desk

House Bill No. 1884 -- Gallatin -- Local Bill Held on House Desk

House Bill No. 1885 -- Carroll County -- Local Bill Held on House Desk

House Bill No. 1886 -- Carroll County -- Local Bill Held on House Desk

REPORT OF DELAYED BILLS COMMITTEE
April 20, 1995

Pursuant to Rule No. 77, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 1837 and 1895.

Jimmy Naifeh, Speaker
Bill Purcell
H. E. Bittle

REPORTS FROM STANDING COMMITTEES

The committees that met on April 20, 1995, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the Regular Calendar for April 24, 1995: House Bill(s) No(s). 1359, 914, 1434 and 441.

The Committee set the following bills on the Regular Calendar for April 26, 1995: House Bill(s) No(s). 1528, 457, 32, 1335, and 1292.

The Committee set the following bill(s) and/or resolution(s) on the Consent Calendar for April 24, 1995: House Bill(s) No(s). 85, 440, 462, 422 and 650.

CONSENT CALENDAR

House Joint Resolution No. 245 -- General Assembly, Statement of Intent or Position -- L.O.V.E. (Let Our Violence End) Campaign. by *Stamps.

House Joint Resolution No. 246 -- Memorials, Sports -- 1994-1995 Science Hill boys' basketball team, TSSAA Class AAA state champions. by *Patton, *Hicks.

House Resolution No. 53 -- Memorials, Personal Achievement -- Kimberly Byrd-Kearney and Joshua Kearney, Ebony Pyramid award nominee. by *Armstrong.

House Resolution No. 54 -- Memorials, Personal Achievement --
Christine and Edward Howard, Gold Pyramid Award nominee. by
*Armstrong.

House Resolution No. 55 -- Memorials, Personal Achievement --
Thomas and Mary Ann Thomas, Silver Pyramid Award nominee. by
*Armstrong.

House Resolution No. 56 -- Memorials, Personal Achievement --
Frances W. Hall, Ebony Pyramid Award nominee. by *Armstrong.

House Resolution No. 57 -- Memorials, Personal Achievement --
Larry and Sharon Robinson, Silver Pyramid Award nominee. by
*Armstrong.

House Resolution No. 58 -- Memorials, Personal Achievement --
Shirley Croom Moore and son, George Thomas "Tommy" Moore, III, Ebony
Pyramid award. by *Armstrong.

House Resolution No. 59 -- Memorials, Personal Achievement --
Vernia and Arnold Young, Gold Pyramid Award nominee. by *Armstrong.

House Resolution No. 60 -- Memorials, Personal Achievement --
James and Helen Brown, Gold Pyramid Award nominee. by *Armstrong.

House Resolution No. 61 -- Memorials, Personal Achievement --
William and Carolyn Bryant, Silver Pyramid Award nominee. by
*Armstrong.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills
having companion Senate Bills and are on the Clerk's desk be
conformed and substituted for the appropriate House Bill, all Senate
and House Bills on the Consent Calendar be passed on third and final
consideration, all House Resolutions and House Joint Resolutions be
adopted, and all Senate Joint Resolutions on the Consent Calendar be
concurrent in, which motion prevailed by the following vote:

Ayes 97

Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers,
Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck,
Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole
(Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J.,
DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett,
Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head,
Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones,
U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis,
McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton,
Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell,
Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp,
Shirley, Stamps, Stulces, Tindell, Towns, Turner (Hamilton), Turner
(Shelby), Walley, West, Westmoreland, White, Whitson, Williams
(Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker
Naifeh -- 97.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1231 -- Children -- Authorizes county legislative bodies to establish and enforce curfew hours for children. Amends TCA Title 37, Chapter 10. by *DeBerry J. (*SB680 by *Dixon).

Further consideration of House Bill No. 1231, previously considered on April 6, 1995, at which time the House adopted Amendments No(s). 1, 2, 3, and 4 and reset the bill for today's Calendar.

Rep. DeBerry, J moved that **House Bill No. 1231** be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 1002 -- Education -- Allows home school parent to submit notice of intent to conduct home school to superintendent after August 1, upon payment of \$20.00 penalty for each or part thereof by which notice is late. Amends TCA 49-6-3050. by *Stulce (*SB1320 by *Cohen).

Further consideration of House Bill No. 1002, previously considered on April 13, 1995 and reset for today's Calendar.

Rep. Stulce moved that House Bill No. 1002 be passed on third and final consideration.

Rep. Stulce moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1002 by adding the following language at the end of the amendatory language of Section 1:

Twenty dollars (\$20) shall be the only penalty payment charged per family regardless of the number of children attending the home school. This provision does not apply to a student who has been expelled from a private or public school.

On motion, Amendment No. 1 was adopted.

Rep. Stulce moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Davidson moved adoption of Education Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 1002 by deleting all sections of the bill following the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-3050(b)(1), is amended by adding the following before the semicolon at the end of the subdivision:

If notice is not given by August 1, it may be submitted late upon payment by the parent of a penalty of

twenty dollars (\$20.00) for each week or portion thereof
by which notice is late.

SECTION 2. The select joint oversight committee on
education shall review the present law governing home schools and
report any revisions it may recommend to the general assembly.

SECTION 3. This act shall take effect upon becoming a
law, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

Rep. Stulce moved that **House Bill No. 1002**, as amended, be
passed on third and final consideration, which motion prevailed by the
following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers,
Bell, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Burchett,
Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter),
Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry,
L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens,
Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron,
Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U.
(Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee,
McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom,
Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey,
Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps,
Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable,
Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams
(Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1081 -- Women -- Authorizes Tennessee
Commemorative Women's Suffrage Commission and Tennessee Arts
Commission to select statue or sculpture to commemorate general
assembly's contribution to passage of 19th Amendment granting women
right to vote. Amends TCA Title 4, Chapter 46. by *Turner (Ham),
*McMillan (*SB215 by *Cohen, *Harper, *Wright, *O'Brien, *Kyle).

Further consideration of House Bill No. 1081, previously
considered on April 13, 1995 and reset for today's Calendar.

On motion, House Bill No. 1081 was made to conform with **Senate
Bill No. 215**; the Senate Bill was substituted for the House Bill.

Rep. Turner(Hamilton) moved that Senate Bill No. 215 be passed on
third and final consideration.

On motion, Rep. Jones R (Shelby) withdrew State and Local
Government Committee Amendment No. 1.

Rep. Turner(Hamilton) moved that **Senate Bill No. 215** be passed on
third and final consideration, which motion prevailed by the following
vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1012 -- Election Laws -- Requires voter registration list and other information such as voter history to be available for purchase at price not to exceed cost of production; requires state election commission to establish uniform cost; authorizes county election commission to petition state election commission and be granted increase if costs exceeds rate established. Amends TCA 2-2-138. by *Ridgeway, *Purcell (*SB600 by *O'Brien, *Haynes, *Crutchfield, *Kyle, *Dixon, *Springer, *Atchley, *Elsea, *Harper, *Wallace, *Burks, *Henry, *Crowe).

Further consideration of House Bill No. 1012, previously considered on April 13, 1995 and reset for today's Calendar.

On motion, House Bill No. 1012 was made to conform with **Senate Bill No. 600**; the Senate Bill was substituted for the House Bill.

Rep. Ridgeway moved that Senate Bill No. 600 be passed on third and final consideration.

Rep. Kerr moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 600 by adding the following language at the end of the amendatory language of Section 1:

If the information is provided on computer generated media such as disk, diskette, tape, telecommunications or any other form of magnetic media, then the information shall be provided in non proprietary and non encrypted form. Minimum data standards shall be EBCDIC (Extended Binary Coded Decimal Interchange Code), ASCII (American Standard Code Information Interchange) or BCD (Binary Coded Decimal).

On motion, Amendment No. 1 was adopted.

Rep. Ridgeway moved that **Senate Bill No. 600**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on Senate Bill No. 600 and have this statement entered in the Journal: Rep(s). Roach.

REGULAR CALENDAR, CONTINUED

House Bill No. 746 -- Election Laws -- Requires election registrar to notify all candidates of opportunity to appoint poll watcher no later than 10 days prior to day before election. Amends TCA Title 2, Chapters 7, 12. by *Turner (Ham) (*SB578 by *Kyle).

Rep. Turner(Hamilton) moved that **House Bill No. 746** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes 0
Present and not voting 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Napier -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to no on House Bill No. 746 and have this statement entered in the Journal: Rep(s). Roach.

REGULAR CALENDAR, CONTINUED

House Bill No. 1075 -- General Assembly -- Establishes toll-free telephone service for citizens to call general assembly in order to give or receive information on pending legislation. Amends TCA Title 3, Chapter 1, Part 1. by *Tindell, *Armstrong (*SB1321 by *Cohen, *Crowe, *Kyle, *Wright, *Rice, *Miller, *Fowler, *Haun, *Carter, *Holcomb, *McNally).

On motion, House Bill No. 1075 was made to conform with **Senate Bill No. 1321**; the Senate Bill was substituted for the House Bill.

Rep. Tindell moved that Senate Bill No. 1321 be passed on third and final consideration.

On motion, Rep. Jones R (Shelby) withdrew State and Local Government Committee Amendment No. 1.

Rep. Tindell moved that **Senate Bill No. 1321** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Head -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from not voting to aye on Senate Bill No. 1321 and have this statement entered in the Journal: Rep(s). Roach.

REGULAR CALENDAR, CONTINUED

House Bill No. 1749 -- Courts -- Revises investigative procedures of court of judiciary by authorizing employment of disciplinary counsel and dividing court into hearing panel and investigative panel. Amends TCA Title 17, Chapter 5. by *Purcell, *Buck, *Jackson, *Williams (Williamson) (*SB1556 by *Person).

Rep. Purcell moved that House Bill No. 1749 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1749 by deleting all the language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 17-5-101(1)(C), is amended by deleting the word "it" and substituting instead the words "the judiciary".

SECTION 2. Tennessee Code Annotated, Section 17-5-102, is amended by adding the words and punctuation ", juvenile court, municipal" between the word "probate" and the word "and".

SECTION 3. Tennessee Code Annotated, Section 17-5-102(a), is amended by deleting the word and number "fourteen (14)" and substituting instead the word and number "fifteen (15)" in the second sentence.

SECTION 4. Tennessee Code Annotated, Section 17-5-201(a), is amended by deleting the following language:

"Two (2) public members who are not judges, retired judges, nor licensed attorneys of the state of Tennessee; one (1) to be appointed by the speaker of the senate and one (1) to be appointed by the speaker of the house of representatives" and substituting instead the following language:

Three (3) public members who are not judges,
retired judges,
nor licensed attorneys of the state of Tennessee; one
(1) to be appointed by the speaker of the senate; one (1) to
be appointed by the speaker of the house of representatives; and one
(1) to be appointed by the governor;

SECTION 5. Tennessee Code Annotated, Section 17-5-
201, is amended by adding the following appropriately designated new
subsections at the end of the section:

" () The presiding judge shall divide the court
into a hearing panel of twelve (12) members and an investigative
panel of three (3) members. Membership on the panels may rotate in a
manner determined by the presiding judge provided that no
members shall sit on both the hearing and investigative panel for the
same proceeding.

() An investigative panel shall have the duty
and authority to:

(1) review the recommendations of
disciplinary counsel
after preliminary investigation and either
authorize a full
investigation or dismiss the complaint; and

(2) review the recommendations of
disciplinary counsel
after full investigation and approve, disapprove
or modify the
recommendations as provided in § 17-5-304.

() A hearing panel shall have the duty and
authority to rule on
pre-hearing motions, conduct hearings on formal
charges and make
findings, conclusions, and impose sanctions or dismiss
the case."

SECTION 6. Tennessee Code Annotated, Section 17-5-
204, is amended by deleting the language and punctuation "(and Court
of Appeals and Court of Criminal Appeals) at Nashville."

SECTION 7. Tennessee Code Annotated, Section 17-5-
206, is amended by deleting the first sentence in its entirety and
substituting instead the following:

"In the event any member elects to recuse or abstain in any matter, the same may be heard by the remaining members of the court, or at the option of the presiding judge, a temporary replacement may be designated by the presiding judge.

SECTION 8. Tennessee Code Annotated, Section 17-5-301, is amended by deleting this section in its entirety and substituting instead the following:

(a) The Court of the Judiciary is hereby given broad powers to investigate, hear and determine charges sufficient to warrant discipline or removal, and to hire disciplinary counsel and provide for salary of disciplinary counsel and to carry out its duties in all other matters as set forth in this chapter.

(b) It is specifically authorized to administer oaths and affirmations; to issue process to compel the attendance of witnesses and the production of evidence; to conduct hearings; and to use, exercise and enjoy any of the powers normally exercised by courts of record in this state. The Tennessee Rules of Civil Procedure are applicable, and the Tennessee Rules of Evidence will govern the presentation of proof.

(c) No action of the court shall be valid unless concurred in by a majority of the members voting upon such action.

(d) The court shall appoint an attorney as disciplinary counsel. Disciplinary counsel shall not be removed from office except by majority vote of the court.

Nothing in this section shall be construed to preclude the Board of Professional Responsibility from acting as disciplinary counsel or providing all necessary administrative support.

(e) Disciplinary counsel shall have the authority and duty to:

(1) receive and screen complaints, refer complaints to other agencies when appropriate, conduct preliminary investigations, recommend to the investigative panel of the Court and upon authorization conduct full investigations, notify complainants about the status and disposition of their complaints, make recommendations to the investigative panel on the disposition of complaints after full investigation, file formal charges subject to approval of the investigative panel when directed to do so by the investigative panel, and prosecute formal charges;

(2) maintain permanent records of the operations of disciplinary counsel's office, including receipt of complaints, screening, investigation, and filing of formal charges in judicial discipline and incapacity matters;

(3) draft decisions, orders, reports, and other documents on behalf of the hearing and investigative panels if directed by the Court;

(4) compile statistics to aid in the administration of the system, including but not limited to a log of all complaints received, investigative files, and statistical summaries of docket processing and case dispositions, consistent with § 17- 5-305;

(5) prepare disciplinary counsel's budget for submission to the court and administer the funds, as appropriate;

(6) employ and supervise other members of disciplinary counsel's staff;

(7) only with concurrence of the applicable investigative panel, seek investigative assistance from the Tennessee Bureau of Investigation, or from any district attorney general and, in appropriate cases, employ private investigators or

experts, as necessary to investigate and process
matters before the court; and

(8) perform other duties at the direction
of the presiding judge or a majority of the
court.

(f) The court shall have the power to impose the
following sanctions:

(1) suspension without impairment of
compensation for
such period as the court determines;

(2) imposition of limitations and
conditions on the
performance of judicial duties, including the
issuance of a
cease and desist order;

(3) private admonition by the investigative
panel of the court with the consent of the judge, provided
that a private
admonition may be used in subsequent proceedings
as
evidence of prior misconduct solely upon the
issue of the
sanction to be imposed;

(4) enter into a deferred discipline
agreement; and

(5) enter judgment recommending removal of
the judge
from office.

(g) For purposes of this chapter, deferred
discipline agreement
means a response to misconduct that is minor and can
be addressed
through treatment or a rehabilitation program under
which the judge
agrees with the recommendation of the investigative
panel of the
court to undergo treatment, participate in educational
programs or
take any other corrective action;

(h) No sanction imposed by the court shall
violate the
prohibition of Article VI, Section 7 of the Tennessee
Constitution.

SECTION 9. Tennessee Code Annotated, Section 17-5-
303(a), is
word amended by adding the words "recommendation of" between the

"including" and the word "removal".

SECTION 10. Tennessee Code Annotated, Section 17-5-303, is amended by adding the following appropriately designated new subsection at the end of this section:

() In the event the court recommends removal from office under this section, the aggrieved judge may appeal to the Supreme Court as provided in § 17-5-310.

SECTION 11. Tennessee Code Annotated, Section 17-5-304, is amended by deleting this section in its entirety and substituting instead the following:

(a) Disciplinary counsel shall evaluate all information coming to disciplinary counsel's attention by complaint or from other sources that allege judicial misconduct or incapacity. If the information would not constitute misconduct or incapacity if it were true, disciplinary counsel shall dismiss the complaint, subject to review by the investigative panel pursuant to subsection (b)(3) or, if appropriate, refer the matter to another agency. If the information raises allegations that would constitute judicial misconduct or incapacity if true, disciplinary counsel shall conduct a preliminary investigation.

(b)(1) Disciplinary counsel may conduct interviews and examine evidence to determine whether grounds exist to believe the allegations of complaints, provided that no subpoena shall issue to obtain testimony or evidence until the investigative panel of the court authorizes a full investigation pursuant to subsection (3).

(2) When disciplinary counsel believes there is evidence supporting the allegations against a judge, he or she shall recommend to the investigative panel of the court assigned to the case that the panel authorize a full investigation. Disciplinary counsel may recommend a full investigation when there are grounds to believe that evidence supporting the allegations could

be obtained by subpoena or further investigation. In all other cases, disciplinary counsel shall recommend that the matter be dismissed.

(3) The investigative panel shall review disciplinary counsel's recommendations and either dismiss the complaint or authorize a full investigation.

(c)(1) Within thirty (30) days after the investigative panel authorizes a full investigation, disciplinary counsel shall give the following notice to the judge by certified mail:

(A) a specific statement of the allegations being investigated and the canons or rules allegedly violated, with the provision that the investigation can be expanded if appropriate;

(B) the judge's duty to respond;

(C) the judge's opportunity to meet with disciplinary counsel; and

(D) the name of the complainant unless the investigative panel determines that there is good cause to withhold that information.

(2) The investigative panel may defer the giving of notice. However, notice must be given pursuant to this section before making a determination other than dismissal of the complaint.

(3) Disciplinary counsel may request that the judge file a written response within [30] days after service of the notice.

(d)(1) Upon the conclusion of a full investigation, disciplinary counsel may recommend to the investigative panel:

(A) dismissal;
(B) private admonition or deferred discipline agreement;
(C) the filing of formal charges;
(D) referral to an appropriate agency; or
(E) a stay.

(2) The investigative panel may adopt, reject or modify the

recommendations of disciplinary counsel. If the investigative panel finds a violation for which the imposition of discipline is not warranted, it may dismiss the complaint. If the investigative panel finds that there is reasonable cause to believe the judge committed a judicial offense:

(A) it may direct disciplinary counsel to file formal charges;

(B) it may propose a private admonition or deferred discipline agreement to the judge and if the judge consents, it shall admonish the judge or implement the deferred disciplinary agreement; or

(C) if the judge does not consent to the admonishment or the deferred discipline, the investigative panel may direct disciplinary counsel either to file formal charges or dismiss the complaint.

(e) In the event the investigative panel finds that there is reasonable cause to believe that the judge committed a judicial offense, and the investigative panel directs disciplinary counsel to file a formal charge, then from the filing of the formal charge forward, all records, actions and proceedings of the court shall be subject to the provisions of § 10-7-503 and Title 8, Chapter 44, except that the court may deliberate in private.

(f) Upon the filing of an indictment, presentment or information charging a judge with a felony under the law of any state or under federal law, the court may immediately place the judge on interim suspension.

SECTION 12. Tennessee Code Annotated, Section 17-5-306, is amended by deleting this section in its entirety and substituting instead the following:

Members of the court, disciplinary counsel and their staff shall be absolutely immune from civil suit for all conduct in the course of

their official duties.

SECTION 13. Tennessee Code Annotated, Section 17-5-307 is

amended by deleting this section in its entirety and substituting instead the following:

(a) When, in the preliminary judgment of the investigative panel, there is probable cause to believe the judge under investigation is guilty of one or more of the offenses prescribed in § 17-5-302, or is suffering from a disability as set forth in § 17-5-303, it shall be the duty of the disciplinary counsel to give the judge under investigation written notice of the details of the formal charges.

(b) The formal charges shall give fair and adequate notice of the nature of the alleged misconduct or incapacity. Disciplinary counsel shall file the formal charges with the court. Disciplinary counsel shall cause a copy of the formal charges to be serviced upon the judge or judge's counsel by certified mail and shall file proof of service with the court.

(c) The judge shall have thirty (30) days from and after the receipt of written notice of the formal charge, within which to file an answer with the court and serve a copy on disciplinary counsel.

(d) The raising of a mental or physical condition as a defense constitutes a waiver of any medical privilege.

(e) Failure to answer the formal charges shall constitute an admission of the factual allegations.

(f) If the judge should fail to appear when specifically so ordered by the hearing panel or the court, the judge shall be deemed to have admitted the factual allegations which were to be the subject of such appearance and to have conceded the merits of any motion or recommendation to be considered at such appearance. Absent good cause, the hearing panel or court shall not continue or delay proceedings because of the judge's failure to appear.

(g) (1) At any time after the filing of formal charges and before final disposition, the judge may agree with disciplinary counsel that the judge shall admit to any or all of the formal charges in exchange for a stated sanction. The agreement shall be submitted to the hearing panel assigned to the case, which shall either:

- (i) reject the agreement; or
- (ii) approve the agreement and enter the order disciplining the judge.

(2) If the stated sanction is rejected by the hearing panel, the agreement shall be withdrawn and cannot be used against the judge in any proceedings.

(3) A judge who consents to a stated sanction shall sign an affidavit stating that:

- (i) the judge consents to the sanction;
- (ii) the consent is freely and voluntarily rendered; and
- (iii) there is presently pending a proceeding involving allegations of misconduct (which shall be specifically set forth in the affidavit); and
- (iv) the facts set forth in the affidavit are true.

(4) Upon approval by the hearing panel, the affidavit shall be filed with the court. The affidavit shall remain confidential until it is filed with the court. The final order of discipline shall be based upon the formal charges and the conditional admission.

SECTION 14. Tennessee Code Annotated, Section 17-5-308, is amended by adding the following appropriately numbered new subsections at the end of this section:

() The hearing shall be conducted by the hearing panel, and no member of the investigative panel for such particular cause shall participate in the hearing or the deliberations of such cause.

() A majority of the hearing panel shall constitute a quorum, and a quorum of the hearing panel shall be required in order to hold a

hearing. The hearing panel shall decide a matter only upon the concurrence of a majority of all members of the panel hearing the matter.

() Charges of misconduct shall be established by clear and convincing evidence.

SECTION 15. Tennessee Code Annotated, Section 17-5-309, is amended by deleting this section in its entirety and substituting instead the following:

(a) At the conclusion of the hearing, the court may dismiss the charges or impose any sanction authorized in § 17-5-301.

(b) Irrespective of the sanction imposed, the court shall issue a formal finding of fact and opinion.

(c) If the court recommends the removal of a judge from office and by reason of resignation, death, retirement, or otherwise the court determines that its recommendation is moot, its formal opinion shall so state. For purposes of this subsection, the court's removal recommendation shall be considered moot only if it determines that there is no further punitive action the general assembly could take against such judge.

SECTION 16. Tennessee Code Annotated, Section 17-5-311, is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) In the event the supreme court affirms the action of the court of the judiciary as provided in § 17-5-309, the judgment of the supreme court shall be final. In the event the supreme court affirms the action of the court of the judiciary in recommending removal of the judge in accordance with § 17-5-303 or § 17-5-309(a) and § 17-5-301 (f) (5), the question of removal shall be transmitted to the general assembly for final determination. However, if the supreme court affirms the court of the judiciary's action recommending the removal of a judge and its determination that such recommendation is

moot as provided in § 17-5-309(c), the matter shall
not be transmitted to the general assembly for final
determination but shall become final upon the supreme court's action.

SECTION 17. Tennessee Code Annotated, Section 17-5-
312, is amended by deleting this section in its entirety.

SECTION 18. This act shall take effect September 1,
1995, the public welfare requiring it.

CHAIR TO RINKS

Mr. Speaker Naifeh relinquished the Chair to Rep. Rinks.

REGULAR CALENDAR, CONTINUED

Rep. Purcell requested that House Bill No. 1749 be moved to the
heel of the Calendar, which motion prevailed.

House Bill No. 514 -- Evidence -- Abolishes obsolete provisions
that made sworn accounts from other counties conclusive proof because
Rules of Evidence now cover this topic Repeals TCA 24-5-107. by
*Purcell, *Buck, *Jackson, *Williams (Williamson), *Hargrove (*SB89 by
*Person, *Jordan, *Crowe).

Rep. Purcell moved that House Bill No. 514 be passed on third and
final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1
as follows:

Amendment No. 1

AMEND House Bill No. 514 by deleting Section 1 in its
entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 24-5-
107, is amended by:

- (1) designating the existing language as
subsection (a):
- (2) adding to subsection (a) immediately before
the period the words " or except as allowed under
subsection (b) hereof" ; and,
- (3) by adding as a new subsection (b) the
following:

(b) The court shall allow the defendant
orally to deny the account under oath and assert any
defense or objection the defendant may have. Upon
such denial, on the plaintiff's motion, or in the

interest of justice, the judge shall continue the action to a date certain for trial.

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved that **House Bill No. 514**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood -- 95.

A motion to reconsider was tabled.

House Bill No. 1057 -- Motor Vehicles, Titling and Registration -- Changes present uniform expiration date of March 31 for special license plate to staggered system determined by commissioner of safety. Amends TCA 55-4-104, 206. by *Kerr, *Clabough, *Gunnels (*SB554 by *Koella).

On motion, House Bill No. 1057 was made to conform with **Senate Bill No. 554**; the Senate Bill was substituted for the House Bill.

Rep. Kerr moved that Senate Bill No. 554 be passed on third and final consideration.

Rep. Fowlkes moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 554 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 55-4-206, is amended by designating the language of the existing section as subsection (a) and by adding the following as a new subsection (b):

(b)(1) Notwithstanding the provisions of subsection (a) of this section or Section 55-4-104, or other provisions of Part 1, effective January 1, 1996, all license plates issued under the provisions of Parts 2 and 3 of this chapter and certificates of registration shall

not expire on March 31 of each year, but rather shall expire pursuant to subdivision (2) of this subsection.

(2) With respect to motor vehicles using plates issued pursuant to this part and part 3 of this chapter, the commissioner shall establish a system of registration renewals at alternative intervals which will allow for the distribution of the registration workload as uniformly as is practicable throughout the calendar year. Registrations issued under the alternative method are valid for twelve (12) months, and expire on the last day of the last month of the registration period. However, during a transition period, or at any time thereafter when the commissioner shall determine that the

volume of work for any given interval is unduly burdensome or costly, either registrations or renewals, or both of them, may be issued for terms of not less than six (6) nor more than eighteen (18) months.

The fee imposed for registration of any vehicle under the alternative interval method for a period of other than twelve (12) months shall be proportionate to the annual fee fixed for the vehicle and modified in no other manner, except that the proportional fee shall be rounded off to the nearest quarter of a dollar (25¢).

Section 2. Tennessee Code Annotated, Section 55-4-104(b), is amended by deleting the following language from the first sentence of the subsection:

, except the registrations taken under the provisions for free, special, and cultural plates in Parts 2 and 3 of this chapter may be issued pursuant to subsection (a)

Section 3. This act shall take effect upon becoming a law for the purpose of administratively developing an alternative registration system, and for all other purposes it shall take effect on January 1, 1996.

On motion, Amendment No. 1 was adopted.

Rep. Kerr moved that **Senate Bill No. 554**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley,

West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood -- 93.

A motion to reconsider was tabled.

House Bill No. 1063 -- Holidays -- "Scottish-Irish Heritage Day," June 24. Amends TCA Title 15, Chapter 2. by *Kerr, *McKee, *Clabough, *McDonald, *McDaniel, *McAfee (*SB555 by *Koella, *Miller, *McNally).

Rep. Kerr moved that House Bill No. 1063 be reset to the Calendar for Monday, April 24, 1995, which motion prevailed.

House Bill No. 1608 -- Law Enforcement -- Authorizes state, county and municipal law enforcement officers to enforce traffic laws and issue citations on privately owned streets located within residential developments having combination of single family and multifamily dwellings. Amends TCA Title 55. by *Kerr (*SB1634 by *Koella).

Rep. Kerr moved that House Bill No. 1608 be passed on third and final consideration.

Rep. Jackson moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1608 by adding the following to the end of the amendatory language of SECTION 1:

Such enforcement of traffic laws within a private residential development shall be initiated only after the majority of residents in that development have submitted a written petition to the appropriate local governing body requesting the enforcement of traffic laws on such private street. If such local governing body approves the petition, such governing body shall establish the traffic laws in such development in the same manner as it does for public streets within its jurisdiction.

On motion, Amendment No. 1 was adopted.

Rep. Kerr moved that **House Bill No. 1608**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel,

McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood -- 94.

A motion to reconsider was tabled.

House Bill No. 480 -- County Government -- Permits Loudon County to remedy dangerous conditions or overgrown vegetation on parcel of property on which owner-occupied residence is located. Amends TCA 5-1-115. by *Gunnels, *Kerr (*SB521 by *Miller).

Rep. Gunnels moved that **House Bill No. 480** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes	5
Present and not voting	4

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Garrett, Gunnels, Halteman Harwell, Hargrove, Hassell, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood -- 86.

Representatives voting no were: Callicott, Davidson, Haley, Head, Herron -- 5.

Representatives present and not voting were: Eckles, Givens, Lewis, Newton -- 4.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. DeBerry, L moved that the House adjourn until Monday, April 24, 1995. Mr. Speaker Naifeh tested the will of the body asking those who wished to continue on to vote aye, and those who wished to leave to vote no. The ayes prevailed by the following vote:

Ayes	60
Noes	30

Representatives voting aye were: Armstrong, Bittle, Boyer, Bragg, Buck, Burchett, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Hargrove, Head, Herron, Hicks, Jackson, Joyce, Kent, Kerr, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sharp, Stamps, Stulce, Tindell, Venable, Walley, West, Westmoreland, Whitson, Williams (Union), Windle -- 60.

Representatives voting no were: Arriola, Beavers, Bell, Bowers, Brooks, Brown, Byrd, Chumney, Cross, DeBerry, J., DeBerry, L., Duer, Garrett, Haley, Halteman Harwell, Hassell, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kernell, Langster, Napier, Phillips, Pruitt, Turner (Hamilton), Turner (Shelby), White, Williams (Williamson), Winningham, Wood -- 30.

Mr. Speaker Naifeh stated that anyone who wished to vacate the building or the Captiol grounds were free to do so.

REGULAR CALENDAR, CONTINUED

***House Joint Resolution No. 129** -- Constitutional Amendments -- Proposes amendment to Article I, Section 32 of Constitution to remove requirement that prisons be comfortable. by *Buck, *Pinion, *Winningham, *Bell, *Herron, *Haley.

Rep. Buck requested that the Clerk read the resolution for the first Constitutional reading, according to the Tennessee Constitution.

Rep. Buck moved that House Joint Resolution No. 129 be reset to the Calendar for Monday, April 24, 1995, which motion prevailed.

House Bill No. 1341 -- Architects and Engineers -- Authorizes board of architects, engineers and landscape architects to employ executive director who shall report to board. Amends TCA Section 62-2-205. by *Garrett (*SB759 by *Haynes).

On motion, House Bill No. 1341 was made to conform with **Senate Bill No. 759**; the Senate Bill was substituted for the House Bill.

On motion, Rep. West withdrew Commerce Committee Amendment No. 1.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 759 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section _____. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, Amendment No. 2 was adopted.

Rep. Garrett moved that **Senate Bill No. 759**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 92
Noes 0

Representatives voting aye were: Armstrong, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

***House Bill No. 165** -- Custody and Support -- Grants noncustodial parent presumption that certain visitation rights will be granted unless evidence demonstrates visitation will not be in child's best interest. Amends TCA Title 36, Chapter 6, Part 1. by *Walley (SB257 by *Holcomb).

Rep. Walley moved that House Bill No. 165 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 165 by adding in the amendatory language of Section 1 of the printed bill a new subdivision (a) (7):

The minimum visitation rights as set forth in this section do not represent limitations on other visitation privileges that the court may grant or to which the custodial and non-custodial parents may agree.

On motion, Amendment No. 1 was adopted.

Rep. Walley moved that **House Bill No. 165**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 86
Noes 2
Present and not voting 2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Haltzman Harwell, Hassell, Head, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Brooks, Herron -- 2.

Representatives present and not voting were: McKee, Turner (Shelby) -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from no to aye on House Bill No. 165 and have this statement entered in the Journal: Rep(s). Brooks.

REGULAR CALENDAR, CONTINUED

House Bill No. 1053 -- Medicine, Practice of -- Authorizes corporation or other entity to employ physician to treat only employees, dependents and retirees of entity. Amends TCA Section 63-6-204 and Section 68-11-205. by *Walley, *Venable (*SB968 by *Holcomb).

On motion, House Bill No. 1053 was made to conform with **Senate Bill No. 968**; the Senate Bill was substituted for the House Bill.

Rep. Walley moved that Senate Bill No. 968 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 968 by adding the following language after "employing" in the first sentence of the amendatory language of Section 1:

a physician

On motion, Amendment No. 1 was adopted.

Rep. Walley moved that **Senate Bill No. 968**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 90
Noes 1

Present and not voting 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Brooks -- 1.

Representatives present and not voting were: Brown -- 1.

A motion to reconsider was tabled.

House Bill No. 1685 -- Alcoholic Beverages -- Makes landlord indirect interest holder in retail business when lease agreement is based upon percentage of profit or any other factor based on sales of alcoholic beverages by tenant as distinguished from being simply interest in land for period of time. Amends TCA Section 57-3-406. by *Jones U (Shelby) (*SB1677 by *Cohen).

Rep. Jones U (Shelby) moved that **House Bill No. 1685** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 61
Noes 19
Present and not voting 8

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Bowers, Bragg, Brooks, Brown, Burchett, Byrd, Cantrell, Chumney, Clabough, Cole (Dyer), Curtiss, Davis, DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Garrett, Gunnels, Halteman Harwell, Hassell, Head, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, McKee, McMillan, Napier, Newton, Patton, Phelan, Phillips, Pruitt, Purcell, Ramsey, Ridgeway, Rinks, Roach, Sharp, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, West, Westmoreland, Whitson, Williams (Williamson), Mr. Speaker Naifeh -- 61.

Representatives voting no were: Beavers, Boyer, Callicott, Cross, Davidson, Haley, Herron, Lewis, McAfee, McDaniel, Peach, Pinion, Rhinehart, Walley, White, Williams (Union), Windle, Winningham, Wood -- 19.

Representatives present and not voting were: Buck, Coffey, Cole (Carter), Dunn, Fowlkes, McDonald, Odom, Ritchie -- 8.

A motion to reconsider was tabled.

House Bill No. 1518 -- Fire Prevention and Investigation -- Authorizes local fire marshal or fire chief to deputize certified arson inspectors, as assistants to commissioner of commerce and insurance, with arrest powers for purposes of fire prevention and investigation. Amends TCA Title 68, Chapter 102. by *Jones U (Shelby), *Miller L, *Bowers, *DeBerry L, *Chumney, *Byrd (*SB1153 by *Kyle).

Rep. Jones U (Shelby) requested that House Bill No. 1518 be moved to the heel of the Calendar.

House Bill No. 1406 -- Juvenile Offenders -- Enacts "Child Curfew Act of 1995" for Shelby County by *Jones U (Shelby), *Bowers, *Towns (*SB231 by *Dixon).

Rep. Jones U (Shelby) moved that House Bill No. 1406 be reset to the Calendar for Wednesday, April 26, 1995, which motion prevailed.

House Bill No. 1536 -- Criminal Procedure -- Requires court having jurisdiction to expunge misdemeanor records upon request of misdemeanant, if no subsequent criminal offense committed since original misdemeanor conviction; requires petition to expunge records to be filed not less than five nor more than 20 years from date of conviction. Amends TCA Section 40-32-101. by *Stulce (*SB1712 by *Crutchfield).

Rep. Stulce moved that House Bill No. 1536 be reset to the Calendar for Monday, April 24, 1995, which motion prevailed.

House Bill No. 1504 -- Solid Waste Disposal -- Places responsibility in solid waste disposal board rather than commissioner to refuse to issue permit based on past performance. Amends TCA 68-11-106. by *Stulce, *Napier, *McAfee, *Bittle, *Callicott, *Williams (Union), *Jones R (Shelby), *Venable (*SB922 by *Womack, *Burks, *Springer, *Crowe).

On motion, House Bill No. 1504 was made to conform with **Senate Bill No. 922**; the Senate Bill was substituted for the House Bill.

Rep. Stulce moved that Senate Bill No. 922 be passed on third and final consideration.

On motion, Rep. Tindell withdrew State and Local Government Committee Amendment No. 1.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Stulce moved that **Senate Bill No. 922** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	0
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sharp, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives present and not voting were: Brooks, Purcell -- 2.

A motion to reconsider was tabled.

***House Bill No. 727** -- Juries and Jurors -- Prohibits threats by use of telephone and writings against jurors and witnesses. Amends TCA Title 39, Chapter 17 and Title 39, Chapter 16. by *Hargrove, *Givens (SB1695 by *Burks).

Rep. Hargrove moved that House Bill No. 727 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 727 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 39-17-308, is amended in subsection (a) by deleting the word " or" at the end of subdivision (2); and by deleting the period (.) at the end of subdivision (3) and by substituting the following new punctuation and new language:

; or

(4) Communicates by writing, telephone or any other form of electronic communications, with any person, including a victim, a member of a victim's family, a juror or a former juror, in an offensively repetitious manner, or without a legitimate purpose of communication, with the intent to intimidate, harass or coerce the recipient.

On motion, Amendment No. 1 was adopted.

Rep. Hargrove moved that **House Bill No. 727**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 92
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sharp, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
April 20, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1153; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 1153 -- Fire Prevention and Investigation --** Authorizes local fire marshal or fire chief to deputize certified arson inspectors, as assistants to commissioner of commerce and insurance, with arrest powers for purposes of fire prevention and investigation. Amends TCA Title 68, Chapter 102. by *Kyle.

REGULAR CALENDAR, CONTINUED

House Bill No. 467 -- Sunset Laws -- Personnel recruiting services board, June 30, 2003. Amends TCA Title 4, Chapter 29; Title 62, Chapter 31. by *Kernell, *Garrett, *Brooks (*SB490 by *Haynes).

On motion, House Bill No. 467 was made to conform with **Senate Bill No. 490**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 490 be passed on third and final consideration.

On motion, Rep. Garrett withdrew Government Operations Committee Amendment No. 1.

Rep. Garrett moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 490 by deleting the section added by amendment number 4 which reads as follows:

Section ____ Effective June 30, 1996, Tennessee Code Annotated, Section 62-31-103 is repealed.

On motion, Amendment No. 2 was adopted.

Rep. Herron moved the previous question, which motion prevailed.

Rep. Kernell moved that **Senate Bill No. 490**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 87
Noes 3

Representatives voting aye were: Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sharp, Stamps, Stulce, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Armstrong, Givens, Tindell -- 3.

A motion to reconsider was tabled.

House Bill No. 1749 -- Courts -- Revises investigative procedures of court of judiciary by authorizing employment of disciplinary counsel and dividing court into hearing panel and investigative panel. Amends TCA Title 17, Chapter 5. by *Purcell, *Buck, *Jackson, *Williams (Williamson) (*SB1556 by *Person).

Further consideration of House Bill No. 1749 previously considered on today's Calendar.

Rep. Purcell moved that House Bill No. 1749 be passed on third and final consideration.

Rep. Purcell renewed the motion for adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1749 by deleting all the language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 17-5-101(1)(C), is amended by deleting the word "it" and substituting instead the words "the judiciary".

SECTION 2. Tennessee Code Annotated, Section 17-5-102, is

amended by adding the words and punctuation ", juvenile court, municipal" between the word "probate" and the word "and".

SECTION 3. Tennessee Code Annotated, Section 17-5-102(a), is amended by deleting the word and number "fourteen (14)" and substituting instead the word and number "fifteen (15)" in the second sentence.

SECTION 4. Tennessee Code Annotated, Section 17-5-201(a), is amended by deleting the following language:

"Two (2) public members who are not judges, retired judges, nor licensed attorneys of the state of Tennessee; one (1) to be appointed by the speaker of the senate and one (1) to be appointed by the speaker of the house of representatives" and substituting instead the following language:

Three (3) public members who are not judges, retired judges, nor licensed attorneys of the state of Tennessee; one (1) to be appointed by the speaker of the senate; one (1) to be appointed by the speaker of the house of representatives; and one (1) to be appointed by the governor;

SECTION 5. Tennessee Code Annotated, Section 17-5-201, is amended by adding the following appropriately designated new subsections at the end of the section:

"() The presiding judge shall divide the court into a hearing panel of twelve (12) members and an investigative panel of three (3) members. Membership on the panels may rotate in a manner determined by the presiding judge provided that no members shall sit on both the hearing and investigative panel for the same proceeding.

() An investigative panel shall have the duty and authority to:

(1) review the recommendations of disciplinary counsel after preliminary investigation and either authorize a full

investigation or dismiss the complaint; and

(2) review the recommendations of disciplinary counsel after full investigation and approve, disapprove or modify the recommendations as provided in § 17-5-304.

() A hearing panel shall have the duty and authority to rule on pre-hearing motions, conduct hearings on formal charges and make findings, conclusions, and impose sanctions or dismiss the case."

SECTION 6. Tennessee Code Annotated, Section 17-5-204, is amended by deleting the language and punctuation "(and Court of Appeals and Court of Criminal Appeals) at Nashville."

SECTION 7. Tennessee Code Annotated, Section 17-5-206, is amended by deleting the first sentence in its entirety and substituting instead the following:

"In the event any member elects to recuse or abstain in any matter, the same may be heard by the remaining members of the court, or at the option of the presiding judge, a temporary replacement may be designated by the presiding judge.

SECTION 8. Tennessee Code Annotated, Section 17-5-301, is amended by deleting this section in its entirety and substituting instead the following:

(a) The Court of the Judiciary is hereby given broad powers to investigate, hear and determine charges sufficient to warrant discipline or removal, and to hire disciplinary counsel and provide for salary of disciplinary counsel and to carry out its duties in all other matters as set forth in this chapter.

(b) It is specifically authorized to administer oaths and affirmations; to issue process to compel the attendance of witnesses and the production of evidence; to conduct hearings; and to use, exercise and enjoy any of the powers normally exercised by courts of

record in this state. The Tennessee Rules of Civil Procedure are applicable, and the Tennessee Rules of Evidence will govern the presentation of proof.

(c) No action of the court shall be valid unless concurred in by a majority of the members voting upon such action.

(d) The court shall appoint an attorney as disciplinary counsel. Disciplinary counsel shall not be removed from office except by majority vote of the court.

Nothing in this section shall be construed to preclude the Board of Professional Responsibility from acting as disciplinary counsel or providing all necessary administrative support.

(e) Disciplinary counsel shall have the authority and duty to:

(1) receive and screen complaints, refer complaints to other agencies when appropriate, conduct preliminary investigations, recommend to the investigative panel of the Court and upon authorization conduct full investigations, notify complainants about the status and disposition of their complaints, make recommendations to the investigative panel on the disposition of complaints after full investigation, file formal charges subject to approval of the investigative panel when directed to do so by the investigative panel, and prosecute formal charges;

(2) maintain permanent records of the operations of disciplinary counsel's office, including receipt of complaints, screening, investigation, and filing of formal charges in judicial discipline and incapacity matters;

(3) draft decisions, orders, reports, and other documents on behalf of the hearing and investigative panels if directed by the Court;

(4) compile statistics to aid in the administration of the system, including but not limited to a log of all complaints received, investigative files, and statistical summaries of docket processing and case dispositions, consistent with § 17- 5-305;

(5) prepare disciplinary counsel's budget for submission to the court and administer the funds, as appropriate;

(6) employ and supervise other members of disciplinary counsel's staff;

(7) only with concurrence of the applicable investigative panel, seek investigative assistance from the Tennessee Bureau of Investigation, or from any district attorney general and, in appropriate cases, employ private investigators or experts, as necessary to investigate and process matters before the court; and

(8) perform other duties at the direction of the presiding judge or a majority of the court.

(f) The court shall have the power to impose the following sanctions:

(1) suspension without impairment of compensation for such period as the court determines;

(2) imposition of limitations and conditions on the performance of judicial duties, including the issuance of a cease and desist order;

(3) private admonition by the investigative panel of the court with the consent of the judge, provided that a private admonition may be used in subsequent proceedings as evidence of prior misconduct solely upon the issue of the sanction to be imposed;

(4) enter into a deferred discipline agreement; and

(5) enter judgment recommending removal of
the judge
from office.

(g) For purposes of this chapter, deferred
discipline agreement
means a response to misconduct that is minor and can
be addressed
through treatment or a rehabilitation program under
which the judge
agrees with the recommendation of the investigative
panel of the
court to undergo treatment, participate in educational
programs or
take any other corrective action;

(h) No sanction imposed by the court shall
violate the
prohibition of Article VI, Section 7 of the Tennessee
Constitution.

SECTION 9. Tennessee Code Annotated, Section 17-5-
303(a), is
amended by adding the words "recommendation of" between the
word
"including" and the word "removal".

SECTION 10. Tennessee Code Annotated, Section 17-5-
303, is
amended by adding the following appropriately designated new
subsection at
the end of this section:

() In the event the court recommends removal
from office
under this section, the aggrieved judge may appeal to
the Supreme
Court as provided in § 17-5-310.

SECTION 11. Tennessee Code Annotated, Section 17-5-
304, is
amended by deleting this section in its entirety and
substituting instead the
following:

(a) Disciplinary counsel shall evaluate all
information coming
to disciplinary counsel's attention by complaint or
from other sources
that allege judicial misconduct or incapacity. If the
information would
not constitute misconduct or incapacity if it were
true, disciplinary
counsel shall dismiss the complaint, subject to review
by the
investigative panel pursuant to subsection (b)(3) or,
if appropriate,
refer the matter to another agency. If the
information raises

allegations that would constitute judicial misconduct or incapacity if true, disciplinary counsel shall conduct a preliminary investigation.

(b)(1) Disciplinary counsel may conduct interviews and examine evidence to determine whether grounds exist to believe the allegations of complaints, provided that no subpoena shall issue to obtain testimony or evidence until the investigative panel of the court authorizes a full investigation pursuant to subsection (3).

(2) When disciplinary counsel believes there is evidence supporting the allegations against a judge, he or she shall recommend to the investigative panel of the court assigned to the case that the panel authorize a full investigation. Disciplinary counsel may recommend a full investigation when there are grounds to believe that evidence supporting the allegations could be obtained by subpoena or further investigation. In all other cases, disciplinary counsel shall recommend that the matter be dismissed.

(3) The investigative panel shall review disciplinary counsel's recommendations and either dismiss the complaint or authorize a full investigation.

(c)(1) Within thirty (30) days after the investigative panel authorizes a full investigation, disciplinary counsel shall give the following notice to the judge by certified mail:

(A) a specific statement of the allegations being investigated and the canons or rules allegedly violated, with the provision that the investigation can be expanded if appropriate;

(B) the judge's duty to respond;

(C) the judge's opportunity to meet with disciplinary counsel;
and

(D) the name of the complainant unless the

investigative panel determines that there is good
cause to withhold that information.

(2) The investigative panel may defer the giving of
notice. However,
notice must be given pursuant to this section before making
a determination
other than dismissal of the complaint.

(3) Disciplinary counsel may request that the judge
file a written
response within [30] days after service of the notice.

(d)(1) Upon the conclusion of a full
investigation, disciplinary
counsel may recommend to the investigative panel:

(A) dismissal;
(B) private admonition or deferred
discipline agreement;

(C) the filing of formal charges;

(D) referral to an appropriate agency; or

(E) a stay.

(2) The investigative panel may adopt, reject or
modify the
recommendations of disciplinary counsel. If the
investigative panel
finds a violation for which the imposition of
discipline is not
warranted, it may dismiss the complaint. If the
investigative panel
finds that there is reasonable cause to believe the
judge committed a
judicial offense:

(A) it may direct disciplinary counsel to
file formal
charges;

(B) it may propose a private admonition or
deferred
discipline agreement to the judge and if the
judge consents, it
shall admonish the judge or implement the
deferred disciplinary
agreement; or

(C) if the judge does not consent to the
admonishment
or the deferred discipline, the investigative
panel may direct
disciplinary counsel either to file formal
charges or
dismiss the
complaint.

(e) In the event the investigative panel finds that there is reasonable cause to believe that the judge committed a judicial offense, and the investigative panel directs disciplinary counsel to file a formal charge, then from the filing of the formal charge forward, all records, actions and proceedings of the court shall be subject to the provisions of § 10-7-503 and Title 8, Chapter 44, except that the court may deliberate in private.

(f) Upon the filing of an indictment, presentment or information charging a judge with a felony under the law of any state or under federal law, the court may immediately place the judge on interim suspension.

SECTION 12. Tennessee Code Annotated, Section 17-5-306, is amended by deleting this section in its entirety and substituting instead the following:

Members of the court, disciplinary counsel and their staff shall be absolutely immune from civil suit for all conduct in the course of their official duties.

SECTION 13. Tennessee Code Annotated, Section 17-5-307 is amended by deleting this section in its entirety and substituting instead the following:

(a) When, in the preliminary judgment of the investigative panel, there is probable cause to believe the judge under investigation is guilty of one or more of the offenses prescribed in § 17-5-302, or is suffering from a disability as set forth in § 17-5-303, it shall be the duty of the disciplinary counsel to give the judge under investigation written notice of the details of the formal charges.

(b) The formal charges shall give fair and adequate notice of the nature of the alleged misconduct or incapacity. Disciplinary counsel shall file the formal charges with the court. Disciplinary counsel shall cause a copy of the formal charges to be serviced upon

the judge or judge's counsel by certified mail and shall file proof of service with the court.

(c) The judge shall have thirty (30) days from and after the receipt of written notice of the formal charge, within which to file an answer with the court and serve a copy on disciplinary counsel.

(d) The raising of a mental or physical condition as a defense constitutes a waiver of any medical privilege.

(e) Failure to answer the formal charges shall constitute an admission of the factual allegations.

(f) If the judge should fail to appear when specifically so ordered by the hearing panel or the court, the judge shall be deemed to have admitted the factual allegations which were to be the subject of such appearance and to have conceded the merits of any motion or recommendation to be considered at such appearance. Absent good cause, the hearing panel or court shall not continue or delay proceedings because of the judge's failure to appear.

(g)(1) At any time after the filing of formal charges and before final disposition, the judge may agree with disciplinary counsel that the judge shall admit to any or all of the formal charges in exchange for a stated sanction. The agreement shall be submitted to the hearing panel assigned to the case, which shall either:

- (i) reject the agreement; or
- (ii) approve the agreement and enter the order disciplining the judge.

(2) If the stated sanction is rejected by the hearing panel, the agreement shall be withdrawn and cannot be used against the judge in any proceedings.

(3) A judge who consents to a stated sanction shall sign an affidavit stating that:

- (i) the judge consents to the sanction;

(ii) the consent is freely and voluntarily rendered; and

(iii) there is presently pending a proceeding involving allegations of misconduct (which shall be specifically set forth in the affidavit); and

(iv) the facts set forth in the affidavit are true.

(4) Upon approval by the hearing panel, the affidavit shall be filed with the court. The affidavit shall remain confidential until it is filed with the court. The final order of discipline shall be based upon the formal charges and the conditional admission.

SECTION 14. Tennessee Code Annotated, Section 17-5-308, is

amended by adding the following appropriately numbered new subsections at the end of this section:

() The hearing shall be conducted by the hearing panel, and no member of the investigative panel for such particular cause shall participate in the hearing or the deliberations of such cause.

() A majority of the hearing panel shall constitute a quorum, and a quorum of the hearing panel shall be required in order to hold a hearing. The hearing panel shall decide a matter only upon the concurrence of a majority of all members of the panel hearing the matter.

() Charges of misconduct shall be established by clear and convincing evidence.

SECTION 15. Tennessee Code Annotated, Section 17-5-309, is

amended by deleting this section in its entirety and substituting instead the following:

(a) At the conclusion of the hearing, the court may dismiss the charges or impose any sanction authorized in § 17-5-301.

(b) Irrespective of the sanction imposed, the court shall issue a formal finding of fact and opinion.

(c) If the court recommends the removal of a judge from office and by reason of resignation, death, retirement, or otherwise the court determines that its recommendation is moot, its formal opinion shall so state. For purposes of this subsection, the court's removal recommendation shall be considered moot only if it determines that there is no further punitive action the general assembly could take against such judge.

SECTION 16. Tennessee Code Annotated, Section 17-5-311, is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) In the event the supreme court affirms the action of the court of the judiciary as provided in § 17-5-309, the judgment of the supreme court shall be final. In the event the supreme court affirms the action of the court of the judiciary in recommending removal of the judge in accordance with § 17-5-303 or § 17-5-309(a) and § 17-5-301 (f) (5), the question of removal shall be transmitted to the general assembly for final determination. However, if the supreme court affirms the court of the judiciary's action recommending the removal of a judge and its determination that such recommendation is moot as provided in § 17-5-309(c), the matter shall not be transmitted to the general assembly for final determination but shall become final upon the supreme court's action.

SECTION 17. Tennessee Code Annotated, Section 17-5-312, is amended by deleting this section in its entirety.

SECTION 18. This act shall take effect September 1, 1995, the public welfare requiring it.

On motion Amendment No. 1 was adopted.

Rep. Purcell moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No.1749 by adding the following as an appropriately designated new section:

Section ____ The Supreme Court and any other appointing authority, in making its appointments, shall do so with a conscious intention of selecting a body which reflects a diverse mixture with respect to race, including the dominant ethnic minority population, and gender.

On motion Amendment No. 2 was adopted.

Rep. Purcell moved that **House Bill No. 1749**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 91
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sharp, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

House Bill No. 1518 -- Fire Prevention and Investigation -- Authorizes local fire marshal or fire chief to deputize certified arson inspectors, as assistants to commissioner of commerce and insurance, with arrest powers for purposes of fire prevention and investigation. Amends TCA Title 68, Chapter 102. by *Jones U (Shelby), *Miller L, *Bowers, *DeBerry L, *Chumney, *Byrd (*SB1153 by *Kyle).

Further consideration of House Bill No. 1518 previously considered on today's Calendar.

On motion, House Bill No. 1518 was made to conform with **Senate Bill No. 1153**; the Senate Bill was substituted for the House Bill.

Rep. Jones U (Shelby) moved that Senate Bill No. 1153 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1153 by deleting Section 1 of the printed bill, and by substituting instead the following new language:

SECTION 1. Tennessee Code Annotated, Section 68-102-127, is amended by designating the existing language as subsection (a), and by adding the following language as a new subsection (b):

(b) Municipal fire investigators who have been authorized by the chief of the municipal fire department or the director of fire services to conduct investigations relative to the cause and origin of fires and/or arson investigations shall also have police powers and shall have the right to make arrests when necessary to preserve the laws of this state or their respective municipalities relative to cases of arson or suspected arson.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1153 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 68-102-149, is amended by designating the existing language as subsection (a), and by adding the following language to be designated as subsection (b):

(b) It is hereby made lawful for municipal fire investigators who have been authorized by the chief of the municipal fire department or the director of fire services to conduct investigations relative to the cause and origin of fires and/or arson investigations to carry a pistol or side arm while on active duty in order to protect their own lives and to effectuate the purposes of their responsibilities in investigating cases of arson or suspected arson. For the sole purpose of being able to carry a pistol, such investigators shall comply with the requirements of Tennessee Code Annotated, Section 39-17-1315(a).

On motion, Amendment No. 2 was adopted.

Rep. Jones U (Shelby) moved that **Senate Bill No. 1153**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 90
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Huskey,

Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sharp, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

MESSAGE CALENDAR

NOTICE TO ACT ON SENATE MESSAGE

***House Bill No. 17** -- Taxes, Real Property -- Establishes vacant land held and used by nonprofit organization whose primary purpose is to construct single family dwelling to be conveyed to low income family is exempt from property tax from date acquired to date conveyed, not to exceed specified time period. Amends TCA Title 67, Chapter 5, Part 2. by *Phelan, *McKee, *Cole (Dyer), *Givens, *Cross, *Ridgeway, *Kisber, *Phelan, *Dunn, *Williams (Union) (SB100 by *Carter).

Rep. Phelan moved that House Bill No. 17 be reset to the Message Calendar for Monday, April 24, 1995, which motion prevailed.

MESSAGE FROM THE SENATE

April 20, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 158, 161, 162 and 163; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 20, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 218, 1029, 1202, 1477, 1558 and 1679; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 20, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1351; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 20, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 213, 214, 215, 226 and 229; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK
April 20, 1995

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 1351; also, House Joint Resolution(s) No(s). 213, 214, 215, 226 and 229.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS
April 20, 1995

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 38, 684, 693, 938, 1340 and 1355; also, House Resolution(s) No(s). 51.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
April 20, 1995

The Speaker signed the following: House Bill(s) No(s). 38, 684, 693, 938, 1340 and 1355; also, House Resolution(s) No(s). 51.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS
April 20, 1995

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Resolution(s) No(s). 53, 54, 55, 56, 57, 58, 59, 60 and 61.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
April 20, 1995

The Speaker signed the following: House Resolution(s) No(s). 53, 54, 55, 56, 57, 58, 59, 60 and 61.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 20, 1995

MR. SPEAKER: I am directed to request the return of Senate Bill(s) No(s). 1623, for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 20, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1864, 1865 and 1878; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 20, 1995

THURSDAY, APRIL 20, 1995 -- THIRTY-SIXTH LEGISLATIVE DAY

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 114, 222 and 225; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED

April 20, 1995

The Speaker signed the following: Senate Bill(s) No(s). 218, 1029, 1202, 1477, 1558 and 1679; also, Senate Joint Resolution(s) No(s). 158, 161, 162 and 163.

MESSAGE FROM THE SENATE

April 20, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 967 and 1509; both substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 20, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1643; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 20, 1995

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1780.

The Senate nonconcurred in House Amendment(s) No(s). 1.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 20, 1995

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1504.

The Senate refused to recede from its action in nonconcurring in House Amendment(s) No(s). 1.

The Speaker appointed a Conference Committee composed of Senators Jordan, Haun and Springer to confer with a like Committee from the House.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 20, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 86, 402, 1522, 1608 and 1644; all passed by the Senate.

CLYDE W. MCCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 86** -- Courts -- Requires counties comprising judicial district to provide safe and secure facilities in which court may conduct business and execute duties. Amends TCA 162-505(d). by *Person, *Jordan, *Crowe.

***Senate Bill No. 402** -- Taxes, Sales -- Exempts from sales tax lift devices that permit ingress and egress of handicapped persons confined to wheelchairs from residences as well as from personal motor vehicles. Amends TCA 67-6-314. by *Jordan.

***Senate Bill No. 1522** -- Pensions and Retirement Benefits -- Authorizes retired members of TCRS to claim prior service for part-time employment and political subdivision service on same basis as other members of TCRS. Amends TCA Section 8-34-621 and Section 8-35-236. by *O'Brien.

Senate Bill No. 1608 -- Gas, Petroleum Products, Volatile Oils -- Authorizes gas acquisition corporations to act jointly and to contract with other entities. Amends TCA Title 7, Chapter 39, Part 3. by *Rice.

***Senate Bill No. 1644** -- Hazardous Materials -- Prohibits portable hazardous waste treatment facilities from bringing hazardous wastes from outside of Tennessee into state for storage and treatment. Amends TCA Title 68, Chapter 212. by *Springer.

ENGROSSED BILLS
April 20, 1995

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 480, 514, 727, 746, 1002, 1608, 1685 and 1749; also, House Joint Resolution(s) No(s). 245 and 246.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

CONSENT CALENDAR
April 20, 1995

The following local bills have been placed on the Consent Calendar for **April 24, 1995**: House Bill(s) No(s). 1856, 1860, 1872, 1874, 1877, 1879, 1880, 1881, 1882, 1885 and 1886.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U.

THURSDAY, APRIL 20, 1995 -- THIRTY-SIXTH LEGISLATIVE DAY

(Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

RECESS MOTION

On motion of Rep. Purcell, the House recessed until 5:00 p.m., Monday, April 24, 1995.